

ADJOURNMENT

On motion of Senator Schwartz the Senate at 11:33 o'clock a.m. adjourned until 11:30 o'clock a.m., Monday, February 12, 1979.

APPENDIX

Signed by Governor

(February 8, 1979)

H.C.R. 34
H.C.R. 40
H.C.R. 41
H.C.R. 42
H.C.R. 43
H.C.R. 45
H.C.R. 46
H.C.R. 48

EIGHTEENTH DAY

(Monday, February 12, 1979)

The Senate met at 11:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore, Senator Meier.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Traeger, Vale, Williams.

Absent-excused: Longoria, Moore, Snelson, Truan.

A quorum was announced present.

The Reverend James K. Denham, University Baptist Church, Austin, offered the invocation as follows:

Our Father,
In the midst of the joy and happiness approaching Valentine's Day,
Help us to share with each other more than just paper Valentines,
Help us to give Your love to each other as well. Amen.

On motion of Senator Schwartz and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 8, 1979, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

Senator Moore was granted leave of absence for today on account of inclement weather on motion of Senator McKnight.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Doggett.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Andujar.

REPORT OF STANDING COMMITTEE

Senator Creighton submitted the following report for the Committee on Economic Development:

C.S.S.B. 166 (Read first time)

C.S.S.B. 359 (Read first time)

CO-AUTHOR OF SENATE BILL 102

On motion of Senator Doggett and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 102**.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 466, To Committee on Intergovernmental Relations.

H.C.R. 3, To Committee on State Affairs.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 525 by Snelson, Parker, Short, Kothmann, Schwartz, Education
Williams, Longoria

Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Section 16.055 (b) relating to the compensation of professional and paraprofessional personnel; amending Section 16.056 relating to the Texas public education compensation plan; amending Section 16.101 relating to Personnel Support; amending Section 16.102 (a) and (k) relating to education program personnel; amending Section 16.103 (f) relating to Vocational personnel units; amending Section 16.104 (e), (i), (j), (m) relating to the Comprehensive special education program for handicapped children; amending Subchapter D of Chapter 16 relating to operating cost allotment and use thereof; amending Section 16.206 (c), (g), and (i) relating to calculation of the transportation allotment; amending Section 16.252 (a), (b), (c) and (d) relating to Local share of program cost; amending Section 16.254 (d) relating to Distribution of the Foundation School Fund; amending Section 16.301 (a) and (b) relating to District eligibility; amending Section 16.302 relating to Determination of Equalization aid entitlement; amending Section 16.304 (b) relating to payment of state aid; limitation; and declaring an emergency.

S.B. 526 by Snelson Education
Providing that payment of royalties on oil and gas and all related payments for the benefit of the Permanent University Fund be made to the Board of Regents of The University of Texas System instead of to the Commissioner of the General Land Office; amending Chapter 66, Subchapter D, Sections 66.65, 66.68, 66.70, 66.73, 66.74, 66.77, and 66.78, Texas Education Code, as amended; and declaring an emergency.

S.B. 527 by Snelson Intergovernmental Relations
Restoring civil and criminal jurisdiction to the county court of Real County and conforming the jurisdiction of the district court; repealing Chapter 53, Acts of the 35th Legislature, Regular Session, 1917.

S.B. 528 by Blake Economic Development
Relating to the requirement of personal injury protection coverage with certain liability insurance policies.

S.B. 529 by Mauzy Jurisprudence
Relating to the duties of a peace officer or magistrate to prevent injury to persons.

S.B. 530 by Mauzy Education
Relating to the tuition paid by foreign students at state-supported institutions of higher education; amending Subsections (h) and (i) of Section 54.051, Texas Education Code, as amended.

S.B. 531 by Mauzy Education
Relating to the classification of certain alien students as residents for purposes of tuition at institutions of higher education; amending Sections 54.057 of the Texas Education Code, as amended.

S.B. 532 by Mauzy Education
Relating to small classes offered at institutions of higher education; amending Subsection (d) of Section 51.403, Texas Education Code.

S.B. 533 by Clower Natural Resources
Relating to the conservation and protection of endangered, threatened, or State protected native plant species; amending Parks and Wildlife Code by adding new Sections 69.001 - 69.012; providing for penalties; and declaring an emergency.

S.B. 534 by Mengden Natural Resources
Relating to rewards for persons providing information about game law violators.

S.B. 535 by Traeger Intergovernmental Relations
Relating to creation of the County Court at Law of Zapata County.

S.B. 536 by Traeger Economic Development
Relating to data used for a utility rate determination and use of changed rates pending final appeal of a rate determination.

S.B. 537 by Traeger Intergovernmental Relations
Relating to the reorganization of the 25th and Second 25th Judicial Districts and creation of the office of District Attorney of the Second 25th Judicial District.

S.B. 538 by Traeger Natural Resources
Relating to compensation of members of the State Soil and Water Conservation Board.

S.B. 539 by Longoria Jurisprudence
Relating to the release pending trial of persons accused of criminal offenses.

S.B. 540 by Santiesteban Jurisprudence
Relating to photographing children in connection with the investigation of criminal offenses; amending Subsection (b) and Subsection (g) and adding Subsection (h) to Section 51.15, Family Code; and declaring an emergency.

S.B. 541 by Santiesteban Jurisprudence
Relating to the grounds for the detention of a child taken into custody under Title 3, Family Code; amending Subsection (b) of Section 53.02 and Subsection (e) of Section 54.01, Family Code; and declaring an emergency.

S.B. 542 by Jones of Harris Intergovernmental Relations
Relating to the jurisdiction of the Fort Bend County Court of Law; amending Chapter 308, Acts of the 64th Legislature, Regular Session, 1975, (Article 1970 - 364, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 543 by Short Natural Resources
Relating to conditions for sale of certain public land.

S.B. 551 by Doggett Natural Resources
Relating to regulation of architects and landscape architects; providing penalties.

S.J.R. 37 by Kothmann Finance
Proposing a constitutional amendment authorizing the surviving spouse of a disabled person or an elderly person to continue receiving the deceased's residence homestead exemption under certain circumstances.

COMMUNICATION FROM LEGISLATIVE AUDIT COMMITTEE

The following communication from the Legislative Audit Committee was read and was filed with the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
February 7, 1979

To the Senate of the Sixty-sixth Legislature,
Regular Session:

We ask the advice, consent and confirmation of the Senate with respect to the appointment by this Committee of GEORGE W. McNIEL of Austin, Travis County, to be State Auditor of Texas for the term expiring February 15, 1981.

Such appointment on this date is hereby certified under the provisions of Senate Bill No. 27 as passed by the Forty-eighth Legislature.

Respectfully submitted,

LEGISLATIVE AUDIT
COMMITTEE

Attest:

/s/W. P. Hobby
Lieutenant Governor

/s/Grant Jones
Chairman of the Senate Committee
on Finance

/s/William T. Moore
Chairman of the Senate Committee
on State Affairs

/s/Bill Clayton
Speaker of the House of
Representatives

/s/Bill Presnal
Chairman of the House Committee
on Appropriations

/s/Bob Davis
Chairman of the House Committee
on Ways and Means

**COMMUNICATION FROM SPEAKER
HOUSE OF REPRESENTATIVES**

The following communication from the Speaker of the House of Representatives was read and was filed with the Committee on State Affairs, Subcommittee on Nominations:

State of Texas
House of Representatives
Austin

February 7, 1979

**TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR
SESSION:**

I ask the advice, consent, and confirmation of the Senate with respect to the appointment of Robert E. Johnson of Austin, Travis County, to be a member of the State Board of Trustees of the Employees Retirement System of Texas for a six-year term to expire August 31, 1984. This appointment is made pursuant to Section 6, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes).

Respectfully submitted,

/s/Bill Clayton
Speaker of the House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
February 13, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE STATE SECURITIES BOARD:

For a six-year term to expire January 16, 1985:

MR. JOHN W. TURNER of Dallas, Dallas County is replacing Mr. David D. Allen of Houston, Harris County, whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor of Texas

SENATE CONCURRENT RESOLUTION 20 ON SECOND READING

Senator Brooks moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.C.R. 20** be taken up for consideration at this time:

S.C.R. 20, Memorializing Congress to increase the maximum income that handicapped individuals may earn and still retain social security benefits.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

The resolution was read second time and was adopted.

SENATE CONCURRENT RESOLUTION 21 ON SECOND READING

Senator Brooks moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.C.R. 21** be taken up for consideration at this time:

S.C.R. 21, Requesting the State Board of Insurance to examine the critical problems that elderly and handicapped persons encounter in trying to obtain insurance coverage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

The resolution was read second time and was adopted.

SENATE CONCURRENT RESOLUTION 22 ON SECOND READING

Senator Williams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.C.R. 22** be taken up for consideration at this time:

S.C.R. 22, Requesting the Public Utility Commission of Texas to hold public hearings on the problems resulting from unsolicited commercial telephone calls and use of automatic telephone dialing-announcing equipment in order to solicit business.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

The resolution was read second time and was adopted.

SENATE BILL 13 ON SECOND READING

Senator Farabee moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 13** be taken up for consideration at this time:

S.B. 13, Relating to the maintenance and disposition of county auditors' records.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 13 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Longoria, Moore, Snelson, Truan.

SENATE BILL 353 ON SECOND READING

Senator Blake moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 353** be taken up for consideration at this time: